

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Donald Andrews, #10720-036, )  
Petitioner, ) C/A No. 6:09-0587-MBS  
vs. )  
Mary Mitchell, Warden, )  
Respondent. )  
\_\_\_\_\_  
)

**O R D E R**

Petitioner Donald Andrews is an inmate in custody of the Bureau of Prisons (BOP). On March 10, 2009, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking an order directing BOP to admit him into the 500 hour Residential Drug Abuse Program.

This matter currently is before the court on letter filed by Petitioner on April 30, 2009 (Entry 11). Petitioner informs the court that BOP “has conceded to admit me into the 500 hour Residential Drug Abuse Program. . . . Thus, there is no case in controversy.” (Entry 11)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On April 30, 2009, the Magistrate Judge issued a Report of Magistrate Judge in which he recommended that Petitioner’s motion be granted and the action dismissed without prejudice. No objections to the Report were filed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the

Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court adopts the Report of Magistrate Judge and incorporates it herein by reference. The court construes Petitioner's letter as a motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1). Petitioner's motion to dismiss is **granted**, without prejudice.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

June 18, 2009